

**Thomas C. Foley**  
**Attorney at Law**  
**P.O. Box 2187**  
**South Hamilton, MA 01982**  
**Collect calls: (978) 921-0217**

July 7, 2004

Michael Subenko  
Souza-Baronowski Correctional Center  
PO Box 8000  
Shirley, MA 01464

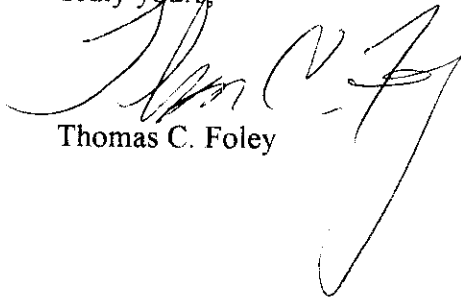
Re: Screening Assignment

Dear Michael:

I just wanted to let you know that I am having trouble contacting your trial attorney, which is holding up my ability to issue a final decision on your screening assignment. This is the time of the year when many attorneys are on vacation, which makes it difficult to always get in touch with them. However, now that I am back from a vacation, I hope to get in touch with your trial attorney this week.

I will be in touch. I hope all is well.

Truly yours,

  
Thomas C. Foley

**AFFIDAVIT OF BEVERLY SUBENKO**

Under oath, I state that my name is Beverly Subenko and I am the mother of Michael Subenko.

My son was sentenced to serve twelve to fifteen years in state prison after a jury convicted him of a car accident manslaughter on January 11, 1999.

Some three to four weeks after Michael was sentenced while visiting him at Concord he requested I call attorney Mondano and ask him to file a motion to reduce my sons sentence. Michael explained that he had already spoken to the attorney about the motion and the attorney told him that it was not a good idea. My memory is that I spoke to Michael at length about this filing and after much discussion I agreed with my son that this motion should be filed to be heard at a future date.

In that regard, I called attorney Mondano's office three or so times prior to speaking to him... some four days after visiting Michael. At that time I relayed the message from Michael to attorney Mondano requesting that he file the motion to reduce my sons sentence. He stated that he did not believe the judge would grant the motion and reduce the sentence. I again stated that Michael and I had discussed this motion and both of us wanted him to file it. At one point I became assertive with attorney Mondano stating that I was the person paying him and both my son and I wanted that motion filed. At that point attorney Mondano said he would file it.

**SIGNED UNDER THE PENALTIES OF PERJURY.**

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Beverly Subenko

**DATED:**

Case Name: mSubenko v. Mondano

• Case Number: 1:04-cv-10227

Michael A. Subenko  
MCI Norfolk  
2 Clark Street  
Norfolk, MA 02056  
|||||

United States District Court

District of Massachusetts

Notice of Electronic Filing •

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The following transaction was received from Patch, Christine entered on 7/20/2004 at 10:39 AM EDT and filed on 7/18/2004

Case Name: Subenko v. Mondano

Case Number: 1:04-cv-10227

Filer:

Document Number:

Docket Text:

Judge Patti B. Saris : Electronic ORDER entered denying [2] Motion to Appoint Counsel, denying [3] Motion for Service by the United States Marshal Services (Patch, Christine)

The following document(s) are associated with this transaction:

1:04-cv-10227 Notice will be electronically mailed to:

1:04-cv-10227 Notice will not be electronically mailed to:

Michael A. Subenko  
MCI Norfolk  
2 Clark Street  
Norfolk, MA 02056